

JUL 28 2006

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

VICTOR ALAN LINDSEY,

RESPONDENT.

CAUSE NO.: A-1671

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
RECOMMENDED ORDER AND
ORDER**

This matter came on for hearing on the 27th day of July, 2006, before Christine M. Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance (“Department”) was represented by its attorney, Joel Green. Victor Alan Lindsey (“Respondent”) was not present and not represented by counsel. The Rules of Evidence were not requested and the hearing was governed accordingly. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was introduced and the matter taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed Nebraska non-resident insurance producer whose registered mailing address with the Department is 21614 Marjorie Avenue, Torrance, CA 90503. (Ex. 1).
2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. On or about June 23, 2006, the Department served the Petition and Notice of Hearing on Respondent by certified mail, return receipt requested, at his address of record. Respondent did not claim the certified letter. (Ex. 1).

4. On or about May 1, 2006, Respondent renewed his Nebraska non-resident insurance producer license and paid the renewal fee of \$100.00 by personal check. (Ex. 2).

5. On or about May 8, 2006, Respondent's personal check was returned to the Department due to insufficient funds. (Ex. 2). The hearing officer finds the return of Respondent's check made payable to the Department for licensing fees is a violation of *Neb. Rev. Stat. §44-4059(1)(h)*, demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state.

6. On or about May 23, 2006, Bruce Ramage, Chief of Market Regulation for the Nebraska Department of Insurance, wrote to Respondent to notify him of the returned check and included an invoice for \$125.00 to cover the renewal fee of \$100.00 and a \$25.00 administrative fee. The letter was returned to the Department on June 16, 2006 as unclaimed by Respondent. (Ex. 2). The hearing officer finds that Respondent's failure to claim mail from the Department of Insurance constitutes a failure to respond to the Department within the provision of *Neb. Rev. Stat. §44-1525(11)*.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to *Neb. Rev. Stat. §44-4041 et seq.*

2. The Department has personal jurisdiction over Respondent.

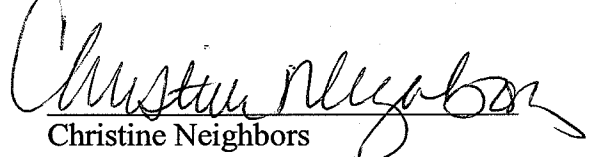
3. Respondent violated *Neb. Rev. Stat. §44-4059(1)(b)* and (h).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's non-resident insurance producer license be revoked.

Dated this 27th day of July, 2006.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Christine Neighbors
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Victor Alan Lindsey, Cause No.: A-1671.

Dated this 28th day of July, 2006.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon the Respondent by mailing a copy to Respondent at 21614 Marjorie Avenue, Torrance, CA 90503 by certified mail, return receipt requested, and by U.S. Mail, postage prepaid, on this 28th day of July, 2006.

